

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 9, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- McGeachin, Snodgrass. Total -- 2.

Total -- 70.

Prayer was offered by Representative Garrett.

The Pledge of Allegiance was led by Laura Heinemann, Page.

Approval of Journal

February 9, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirtieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 7, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 4, H 6, H 7, H 8, and H 9

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 8, 2005

Mr. Speaker:

I transmit herewith **S 1015, S 1056, S 1005, S 1006, S 1007, and S 1023** which have passed the Senate.

WOOD, Secretary

S 1015, S 1056, S 1005, S 1006, S 1007, and S 1023 were filed for first reading.

February 8, 2005

Mr. Speaker:

I return herewith **H 12, H 13, H 15, and H 3** which have passed the Senate.

WOOD, Secretary

H 12, H 13, H 15, and H 3 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 9, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 7, H 127, H 128, H 129, H 130, H 131, H 132, H 133, H 134, H 135, H 136, H 137, H 138, H 139, H 140, H 141, and H 142**.

FIELD(18), Chairman

H 127, H 128, H 129, H 130, and H 131 were referred to the Judiciary, Rules, and Administration Committee.

H 132, H 133, and H 134 were referred to the Resources and Conservation Committee.

H 135, H 136, H 137, H 138, H 139, H 140, and H 141 were referred to the Business Committee.

H 142 was referred to the Revenue and Taxation Committee.

HCR 7 was filed for second reading.

February 9, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 5**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 5**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 98** and recommend that it do pass.

BARRACLOUGH, Chairman

H 98 was filed for second reading.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 39, H 40, and H 53** and recommend that they do pass.

WOOD, Chairman

H 39, H 40, and H 53 were filed for second reading.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **H 106** and recommend that it do pass.

RAYBOULD, Chairman

H 106 was filed for second reading.

February 8, 2005

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **S 1003** and recommend that it do pass.

JONES, Chairman

S 1003 was filed for second reading.

February 9, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 23** and recommend that it do pass.

DEAL, Chairman

H 23 was filed for second reading.

February 9, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 49** and recommend it back with amendments attached to be placed on General Orders for consideration.

DEAL, Chairman

H 49 was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 8

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING PROGRAMS WHICH SUPPORT AND ADVANCE THE EDUCATIONAL EXPERIENCE IN INTERNATIONAL STUDY AND CULTURAL AWARENESS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, within the lifetime of our parents and grandparents, the world we live in has changed almost beyond recognition; and

WHEREAS, rapid technological innovations will provide opportunities and challenges to tomorrow's citizens not even imagined today; and

WHEREAS, depletion of water tables, industrial production of carbon dioxide, worldwide deforestation, loss of biodiversity, rapid urbanization and loss of croplands are just a few of the significant issues which we debate in public forum today; and

WHEREAS, addressing the possibilities and promises of the future will require the best minds, best ideas, and best efforts of all of the peoples of the world; and

WHEREAS, bringing awareness through education and world experience will serve students by increasing their ability to communicate and interact with the citizens of other nations; and

WHEREAS, the support of international study and educational exchange programs and other activities advance cultural awareness and promote mutual understanding and respect for citizens of other countries; and

WHEREAS, developing and providing curriculum materials, fostering educational exchange programs, presenting other cultures, languages, economies and systems of government in an education setting will support an international perspective to world problems.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Department of Education is urged to encourage students, teachers, administrators, and educational policymakers to support and advance programs which further the educational experience in international study and cultural awareness.

HOUSE CONCURRENT RESOLUTION NO. 9

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RELATING TO CIVIC EDUCATION AND URGING THE SECRETARY OF STATE TO CONVENE A SUMMIT FOR CIVIC LEARNING, PROVIDING COMPOSITION OF THE COMMITTEE, AND REQUIRING A REPORT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, civic learning encourages young people to be thoughtful and productive members of their communities and future leaders of the state; and

WHEREAS, it is crucial to the future health of our representative democracy that all young people be knowledgeable about democratic principles and practices, engaged in their communities and in politics, and committed to the public good; and

WHEREAS, on the National Assessment of Educational Progress in 1998, only twenty-five percent of students at the upper elementary and secondary levels were proficient in civics and government; and

WHEREAS, nationally, under twenty percent of eligible 18 to 25 year-olds voted in the 2004 presidential election; and

WHEREAS, according to "The Civic and Political Health of the Nation: A Generational Portrait" nearly one-half of 15 to 25 year-olds indicate civic education increases their interest and participation in civic affairs; and

WHEREAS, individuals who have a clear understanding of the rights and responsibilities of citizenship in a representative democracy are more likely to exercise those rights and

responsibilities to be competent and responsible citizens; and

WHEREAS, the need for civic learning in our state is crucial to the long-term social and political health of the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Secretary of State, with the assistance of the Department of Education, is urged to establish a committee to convene a Summit for Civic Learning at Boise State University with a goal of determining a strategy for enhancing long-term civic engagement and learning within the state, and recommending a plan for improving civic engagement and learning before the Second Regular session of the Fifty-eighth Idaho Legislature.

BE IT FURTHER RESOLVED that the committee should be composed of a diverse range of student, teacher and administrator representatives from K through 12 and postsecondary education, media, civic organizations, and elected officials, and shall be facilitated by the Department of Education's Office of Civics, Service, Character and International Education.

BE IT FURTHER RESOLVED that the committee shall report its findings and recommendations for future action to the Office of the Secretary of State and the Office of the Superintendent of Public Instruction no later than December 1, 2005.

**HOUSE CONCURRENT RESOLUTION NO. 10
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE**

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND
AUTHORIZING THE LEGISLATIVE COUNCIL TO
APPOINT A COMMITTEE ON ENERGY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, there were numerous bills introduced in Congress from 1996 through 2004 which would have provided for the restructuring of the electric utility and energy industries in this country; and

WHEREAS, Idaho currently enjoys low electric rates compared to the rest of the nation, mainly because of our hydropower base; and

WHEREAS, while there may be some benefits to a competitive electric utility industry, there have been some large unintended consequences to the ratepayers and the citizens of the state given the California energy crisis and the Enron collapse; and

WHEREAS, on July 31, 2002, the Federal Energy Regulatory Commission announced a series of broad proposals to reform the wholesale power generation, trading and transmission markets known as Standard Market Design; and

WHEREAS, the Standard Market Design proposal has been repudiated and is opposed in most southern and western states and fails to recognize the distinct nature of the Northwest electricity grid, including the significant reliance on coordinated hydro operations that are subject to various nonpower obligations; and

WHEREAS, Idaho's water rights system is a complex system of management, and electric utility restructuring or the Standard

Market Design rules could affect demand loads and river flows and have some large unintended consequences if not managed properly.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a Committee to undertake and complete a study of energy related issues from both the statewide perspective and the national perspective. The Committee is directed to involve representatives of industry, agricultural groups, small businesses, consumers of electricity and conservation interests. The Committee is also authorized to retain the services of a consultant, within appropriated moneys, who is familiar with the energy industry and who can provide necessary economic or other research that can assist the Committee and the Legislature in making an informed decision on this most important topic.

BE IT FURTHER RESOLVED that the Committee shall make a progress report to the Second Regular Session of the Fifty-eighth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

**HOUSE CONCURRENT RESOLUTION NO. 11
BY TRANSPORTATION AND DEFENSE COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND
REJECTING A PENDING RULE OF THE IDAHO
TRANSPORTATION DEPARTMENT GOVERNING
OVERLEGAL PERMITTEE RESPONSIBILITY AND
TRAVEL RESTRICTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a pending rule of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.03.11, relating to overlegal permittee responsibility and travel restrictions, Section 200, subsection 06 only, pertaining to heavy commuter traffic restrictions, adopted as a pending rule under Docket Number 39-0311-0401, be, and the same is hereby rejected and declared null, void and of no force and effect.

HCR 8, HCR 9, HCR 10, and HCR 11 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

HOUSE BILL NO. 143
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 39-118, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE REVIEW OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF NEW SEWAGE TREATMENT WORKS AND NEW PUBLIC WATER SUPPLY SYSTEMS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 144
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO HIGHWAY CONSTRUCTION DANGER ZONES; AMENDING SECTION 49-104, IDAHO CODE, TO DELETE THE DEFINITION "CONSTRUCTION DANGER ZONE"; AMENDING SECTION 49-124, IDAHO CODE, TO PROVIDE A DEFINITION FOR "WORK ZONE" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-657, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY.

HOUSE BILL NO. 145
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO WATER QUALITY; AMENDING SECTION 39-3602, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 39-3611, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEVELOPMENT AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOAD OR EQUIVALENT PROCESSES; AMENDING SECTION 39-3615, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO WATERSHED ADVISORY GROUPS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 39-3616, IDAHO CODE, TO REVISE THE DUTIES OF WATERSHED ADVISORY GROUPS; DECLARING AN EMERGENCY AND PROVIDING FOR APPLICATION.

HOUSE BILL NO. 146
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO COMMERCIAL VEHICLE SPECIAL PILOT PROJECT ROUTES; AMENDING SECTION 49-1004, IDAHO CODE, TO PROVIDE CONTINUATION OF A ROUTE FROM US-26 AT ITS JUNCTION WITH US-91 NORTH TO ITS INTERSECTION WITH GALLATIN/WEST 23RD STREET.

HOUSE BILL NO. 147
BY TRANSPORTATION AND DEFENSE COMMITTEE
 AN ACT

RELATING TO THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT; AMENDING SECTION

49-1901, IDAHO CODE, TO PROVIDE CHANGES TO THE AGREEMENT AS MUTUALLY AGREED UPON BY THE PARTICIPATING JURISDICTIONS, INCLUDING TO REVISE THE FINDINGS AND PURPOSES, TO DEFINE "COOPERATING COMMITTEE," TO CLARIFY REPRESENTATION ON THE COOPERATING COMMITTEE, TO PROVIDE ADDITIONAL POWERS OF THE COMMITTEE AND TO REVISE EXISTING POWERS OF THE COMMITTEE, TO REVISE OBJECTIVES OF THE PARTICIPATING JURISDICTIONS, TO PROVIDE A NEW ARTICLE IX RELATING TO FUNDING, TO PROVIDE A NEW ARTICLE X RELATING TO SELECTION OF DESIGNATED REPRESENTATIVES, TO CORRECT A CODIFIER'S ERROR AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 148
BY HEALTH AND WELFARE COMMITTEE
 AN ACT

RELATING TO COLLECTION AND ANALYSIS OF HEALTH CARE DATA; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 56, IDAHO CODE, TO ADOPT AN IDAHO HEALTH CARE DATA ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO ESTABLISH A BUREAU OF HEALTH CARE STATISTICS, TO PROSCRIBE DISCLOSURE OF REIMBURSEMENT CONTRACTS, TO PROSCRIBE HEALTH CARE PROVIDER COMPARISONS, TO PROHIBIT DISCLOSURE OF IDENTIFIABLE HEALTH DATA AND TO PROVIDE A HEALTH DATA PLAN ADVISORY COMMITTEE; AND AMENDING SECTION 9-340C, IDAHO CODE, TO EXEMPT DISCLOSURE OF HEALTH CARE DATA SUBMITTED TO THE BUREAU OF HEALTH CARE STATISTICS.

HOUSE BILL NO. 149
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO LIQUOR BY THE DRINK LICENSES AND RACING FACILITIES; AMENDING SECTION 23-953, IDAHO CODE, TO PROVIDE THAT A RACING FACILITY SHALL INCLUDE A FACILITY THAT HAS BEEN AUTHORIZED BY THE COUNTY TO CONDUCT MOTOR SPORTS RACING.

HOUSE BILL NO. 150
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO IDAHO GRAPE GROWERS AND WINE PRODUCERS; AMENDING SECTION 54-3604, IDAHO CODE, TO PROVIDE THAT COMMISSION MEMBERS CURRENTLY SERVING SHALL CONTINUE TO SERVE UNTIL REAPPOINTED OR A NEW MEMBER IS APPOINTED AND TO MAKE TECHNICAL CHANGES; AND AMENDING SECTION 54-3610, IDAHO CODE, TO PROVIDE FOR TAXATION OF GRAPE JUICE PURCHASED FROM PRODUCERS OUTSIDE THE STATE.

H 143, H 144, H 145, H 146, H 147, H 148, H 149, and

H 150 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1015, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1056, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

S 1005, **S 1006**, and **S 1007**, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

S 1023, by Goedde, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 91 and **HJM 1**, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 48 and **H 59**, by State Affairs Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Thursday, February 10, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:30 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk